

BELIZE:

MARRIED PERSONS (PROTECTION) (AMENDMENT) BILL, 2022

ARRANGEMENT OF CLAUSES

1. Short Title.
2. Amendment of section 2.
3. Amendment of section 3.
4. Repeal of section 4.
5. Repeal of section 5.
6. Repeal of section 6.
7. Repeal of section 7.
8. Amendment of section 8.
9. Amendment of section 9.
10. Amendment of section 10.
11. Transitional provision.

BELIZE:**BILL****for**

AN ACT to amend the Married Persons (Protection) Act Chapter 175 of the Substantive Laws of Belize, Revised Edition 2020; to remove the fault grounds for application for judicial separation, and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2022.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

Citation.

CAP. 175.

1. This Act may be cited as the

MARRIED PERSONS (PROTECTION) (AMENDMENT) ACT, 2022,

and shall be read and construed as one with the Married Persons (Protection) Act, which is hereinafter referred to as the principal Act.

Amendment of section 2.

2. The principal Act is amended by repealing section 2 and replacing it with the following—

“Orders to which spouse is entitled.

2. Any married person may apply to a court of summary jurisdiction acting within the judicial district in which the cause of complaint, wholly or partially, has arisen for an order or orders, which the court is hereby authorised to make, containing all or any of the provisions following—

- (a) that the applicant be no longer bound to cohabit with their spouse, which provision while in force shall have

the effect in all respects of a decree of judicial separation on the ground of incompatibility;

- (b) that the legal custody of any children of the marriage between the applicant and the other spouse, while under the age of eighteen years, be committed to the applicant;
- (c) that the other spouse shall pay to the applicant personally, or for the applicant's use to any officer of the court, or to any other person on behalf of the applicant, such weekly sum as the court, having regard to the means and needs of both spouses, considers reasonable;
- (d) that, where the legal custody of any children of the marriage has been committed to the applicant, the other spouse shall pay to the applicant, or to any officer of the court or other person on the applicant's behalf, such weekly sum as the court, having regard to the means and needs of both spouses, considers reasonable, for the maintenance of each child until the child attains the age of eighteen years; or
- (e) that either party, or both parties, pay the costs of the court and such reasonable costs of either party, as the court may think fit.

Amendment of section 3.

3. The principal Act is amended by repealing section 3 and replacing it with the following—

“Grounds for orders.

- 3.** An application by a married person for an order or orders under this Act shall allege one or more of the following grounds—

(a) that the marriage has broken down irretrievably; or

(b) that the husband and wife are incompatible.”.

Repeal of section 4.

4. The principal Act is amended by repealing section 4.

Repeal of section 5.

5. The principal Act is amended by repealing section 5.

Repeal of section 6.

6. The principal Act is amended by repealing section 6.

Repeal of section 7.

7. The principal Act is amended by repealing section 7.

Amendment of section 8.

8. The principal Act is amended in section 8 by repealing sub-section (1) and replacing it with the following—

“(1) Where, on the hearing of an application for an order of maintenance, the application is adjourned for any period exceeding one week the court may order that, as the case may require the applicant pays to the other spouse, or to an officer of the court, or any third person on their behalf, a weekly sum, not exceeding such an amount as might be ordered to be paid under a final order, for the maintenance of the applicant and any child or children in their custody until the final determination of the case.”.

Amendment of section 9.

9. The principal Act is amended in section 9—

(a) in sub-section (1) by deleting the words “his or her” and replacing them with the word “their”;

(b) by deleting sub-section (2) and replacing it with the following—

“(2) Notwithstanding sub-section (1), the Court may, if it thinks fit, in the event of the order being discharged under that sub-section, make a new order that the legal custody

of the children of the marriage shall, as the case may require continue to be committed to the applicant, and that, the other spouse shall pay to the applicant or to any officer of the court or any third person on their behalf, such weekly sum as the court, having regards to the means of both the spouses, and to all the circumstances of the case, considers reasonable for the maintenance of each child until the child attains the age of eighteen years.”.

Amendment of section 10.

10. The principal Act is amended in section 10(b)(i) by deleting the words “husband or wife” and replacing them with the word “spouse”.

Transitional.

11. Proceedings commenced before the commencement of this Act shall continue and be disposed of as if this Act had not come into force.